

REMARKS

This amendment is submitted in response to the Official Action mailed December 10, 2008. Claims 1, 3, 4, 7, and 11-19 are pending. Claims 2, 5, 6, and 8-10 are cancelled. Claims 1 and 15 are amended to more particularly point out and distinctly claim the invention. In particular, claims 1 and 15 are amended to recite an immiscible polymer blend comprising 60% or greater high density polyethylene (HDPE) and 40% or less polycarbonate (PC) or 60% or greater HDPE and 40% or less of a mixture of acrylonitrile-butadiene-styrene (ABS) and PC wherein the amount of HDPE and the amount of PC or the amount of the mixture of ABS and PC when added together equal 100%. Support for this amendment is found in the Examples of the originally-filed application. Additionally, claims 1 and 15 are amended to remove the two occurrences of the term “about” from the description of the melt flow. No new matter is added. In view of the above claim amendments and the following remarks, reconsideration by the Examiner and allowance of the application is respectfully requested.

Turning to the Official Action, claims 1, 3, 4, 7-9, and 11-19 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement because the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. Specifically, the Office Action alleges that the “specification as filed does not broadly disclose that all HDPE/PC or HDPE/PC and ABS compositions have a ‘modulus greater than the additive contribution of each polymer’ but in fact page 6 refers only to the figures describing blends in which HDPE is present at levels of 60% or greater and in combination 40% or less PC or 40% or less PC and ABS.” In order to advance prosecution, as noted above, independent claims 1 and 15 are amended to recite an immiscible polymer blend comprising 60% or greater high density polyethylene (HDPE) and 40% or less polycarbonate (PC) or 60% or greater HDPE and 40% or less of a mixture of acrylonitrile-butadiene-styrene (ABS) and PC wherein the amount of HDPE and the amount of PC or the amount of the mixture of ABS and PC when added together equal 100%.

The Office Action also contends that “the fact that the specification discloses that the preferred melt flow ranges are not prefixed by ‘about’ implies some other results are obtained for less preferred compositions than those disclosed on page 6 of the specification.” Again, in order to advance prosecution, the term “about” is deleted from the description of the melt flow in independent claims 1 and 15. The Office Action further notes that “Figure 5 shows a small portion of the composition range barely meeting applicants characteristic requirements.” Whatever the margin may be, all of the measured data presented in Figure 5 is greater than the expected values based upon the law of mixtures and supports the unexpected properties of compositions having the claimed ranges of HDPE and PC or HDPE and PC/ABS. Because the currently amended claims are sufficiently supported by the originally-filed application, this rejection is respectfully traversed.

Applicant: T. Nosker
Application No. 10/501,701

Docket No. 74582.00026

CONCLUSION

In view of the above claim amendments and the foregoing remarks, this application is believed to be in condition for allowance. Reconsideration is respectfully requested. However, the Examiner is requested to telephone the undersigned if there are any remaining issues in this application to be resolved.

Finally, if there are any additional charges in connection with this response, the Examiner is authorized to charge Applicant's deposit account number 50-1943 therefor.

Respectfully submitted,

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